

SC NAACP v. Alexander,
D.S.C. Case No. 3:21-cv-03302-MGL-TJH-RMG

EXHIBIT 9

1
2 IN THE UNITED STATES DISTRICT COURT.
3 FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

-----x
4 THE SOUTH CAROLINA STATE CONFERENCE
5 OF THE NAACP

6 and

7 TAIWAN SCOTT, ON BEHALF OF HIMSELF Case No.
8 AND ALL OTHER SIMILARLY SITUATED 3:21-CV-03302
PERSONS, JMC-TJH-RMG

9 Plaintiffs,

10 Vs.

11 THOMAS C. ALEXANDER, IN HIS OFFICIAL
12 CAPACITY AS PRESIDENT OF THE SENATE;
13 LUKE A. RANKIN, IN HIS OFFICIAL CAPACITY
14 AS CHAIRMAN OF THE SENATE JUDICIARY
15 COMMITTEE; MURRELL SMITH, IN HIS OFFICIAL
16 CAPACITY AS SPEAKER OF THE HOUSE OF
17 REPRESENTATIVES; CHRIS MURPHY, IN HIS
18 OFFICIAL CAPACITY AS CHAIRMAN OF THE
19 HOUSE OF REPRESENTATIVES JUDICIARY
20 COMMITTEE; WALLACE H. JORDAN, IN HIS
21 OFFICIAL CAPACITY AS CHAIRMAN OF THE HOUSE
OF REPRESENTATIVES ELECTIONS LAW
SUBCOMMITTEE; HOWARD KNAPP, IN HIS
OFFICIAL CAPACITY AS INTERIM EXECUTIVE
DIRECTOR OF THE SOUTH CAROLINA STATE
ELECTION COMMISSION; JOHN WELLS, JOANNE
DAY, CLIFFORD J. EDLER, LINDA MCCALL,
AND SCOTT MOSELEY, IN THEIR OFFICIAL
CAPACITIES AS MEMBERS OF THE SOUTH
CAROLINA STATE ELECTION COMMISSION,
Defendants.

-----x

22
23 STENOGRAPHIC REMOTE VIRTUAL DEPOSITION
BREEDEN JOHN
24 Tuesday, August 9, 2022
25

<p style="text-align: right;">Page 266</p> <p>1 JOHN</p> <p>2 A. Yes.</p> <p>3 Q. Would you agree that not</p> <p>4 every guideline in the redistricting</p> <p>5 guidelines is applicable to every</p> <p>6 single line drawn?</p> <p>7 A. Yeah. In a perfect world</p> <p>8 you may be able -- that may be the</p> <p>9 case but it's just not how it plays</p> <p>10 out.</p> <p>11 Q. And tensions that rise in</p> <p>12 the guidelines for any specific cuts</p> <p>13 were resolved by political</p> <p>14 directions, were they not?</p> <p>15 A. They were.</p> <p>16 Q. There's nothing wrong with</p> <p>17 that, is there?</p> <p>18 A. No. It's part of the</p> <p>19 legislative process.</p> <p>20 Q. Are you aware of any legal</p> <p>21 requirement or any requirement in</p> <p>22 the guidelines for the Senate to</p> <p>23 start with a blank slate?</p> <p>24 A. No.</p> <p>25 Q. Did it make more sense to</p>	<p style="text-align: right;">Page 268</p> <p>1 JOHN</p> <p>2 A. That's correct. That's</p> <p>3 correct.</p> <p>4 Q. And were you aware that the</p> <p>5 court there actually held that the</p> <p>6 defendants disproved that race was a</p> <p>7 predominant factor?</p> <p>8 A. That's what I was trying to</p> <p>9 harken back to earlier in my</p> <p>10 conversation with Mr. Cusick that --</p> <p>11 yes, that's what I was trying to</p> <p>12 relay.</p> <p>13 Q. So it wasn't just a failure</p> <p>14 of the plaintiffs' burden of proof,</p> <p>15 they found that the defendants</p> <p>16 disproved it, did they not?</p> <p>17 A. That's correct.</p> <p>18 Q. So in light of all that did</p> <p>19 you see any issues with starting</p> <p>20 with the benchmark plan and tweaking</p> <p>21 accordingly based on population</p> <p>22 changes?</p> <p>23 A. Not at all. No problem.</p> <p>24 Q. Mr. John, you were involved</p> <p>25 in this process from day one, right?</p>
<p style="text-align: right;">Page 267</p> <p>1 JOHN</p> <p>2 use the starting point, a map that</p> <p>3 was blessed by the Supreme Court of</p> <p>4 the United States and survived</p> <p>5 racial gerrymandering claims and</p> <p>6 section 2 claims?</p> <p>7 A. Yes. It certainly makes a</p> <p>8 lot more sense.</p> <p>9 Q. Was that especially the</p> <p>10 case when the 7th Districts were in</p> <p>11 the high 90s of the deviation for</p> <p>12 population?</p> <p>13 A. Right. It was the most</p> <p>14 logical starting point in my</p> <p>15 opinion.</p> <p>16 Q. Were you aware that the</p> <p>17 Backus case, that's B-A-C-K-U-S,</p> <p>18 that was litigated last cycle for</p> <p>19 redistricting involved a racial</p> <p>20 gerrymandering claim?</p> <p>21 A. That was my impression.</p> <p>22 Yes, I was aware.</p> <p>23 Q. So it wasn't decided</p> <p>24 specifically on section 5 grounds,</p> <p>25 was it?</p>	<p style="text-align: right;">Page 269</p> <p>1 JOHN</p> <p>2 A. Pretty much, yes.</p> <p>3 Q. Are you aware of anything</p> <p>4 in law or in fact that would in any</p> <p>5 way suggest the notion that race was</p> <p>6 a predominant factor in drawing the</p> <p>7 plan for Congress that was enacted</p> <p>8 by the General Assembly?</p> <p>9 A. No. And that's part of why</p> <p>10 I was so disappointed with the</p> <p>11 testimony we received at the</p> <p>12 November 29th hearing from former</p> <p>13 Congressman Cunningham. We all felt</p> <p>14 good about the process and that</p> <p>15 everything was done appropriately</p> <p>16 and to hear some of the accusations</p> <p>17 was a little disappointing.</p> <p>18 Q. And are you aware that the</p> <p>19 plaintiffs have not challenged</p> <p>20 congressional District 6, correct?</p> <p>21 A. Yes, I'm aware.</p> <p>22 Q. And you are also aware that</p> <p>23 the enacted plan has Congressional</p> <p>24 District 1 with a higher BVAP than</p> <p>25 the benchmark plan, correct?</p>